



## United States Department of the Interior

### BUREAU OF LAND MANAGEMENT

1849 C Street, NW  
Washington, DC 20240



Imperial Solar Energy Center West

(EA Number: 2010-64)

(Case File Number: CACA-51644)

#### Decision Record

El Centro Field Office

El Centro, California

[www.blm.gov/elcentro](http://www.blm.gov/elcentro)

August 2011

## 1.0 Introduction

It is the decision of the Bureau of Land Management (BLM) to approve the issuance of a right-of-way (ROW) grant in support of the construction, operation, maintenance, and decommissioning of ancillary facilities (Alternative 1 – Alternative Transmission Line Corridor or Selected Alternative) associated with the Imperial Solar Energy Center (ISEC) West solar energy generation project (ISEC West Project), including: (1) 64.4 acres for construction, operation, maintenance, and decommissioning of an above-ground 230 kilovolt (kV) double circuit transmission line 120 feet wide and associated 12 feet wide access road; (2) 0.8 acres for construction, operation, maintenance, and decommissioning of those portions of a 12 feet wide access road that are located outside the ROW for the transmission line; and (3) an additional 1.4 acres, more or less, for temporary construction/access. This grant is in response to the ROW application submitted by CSOLAR Development, LLC (CSOLAR) for those facilities, including the proposed transmission line corridor and access road, on October 29, 2009. In connection with the ROW application and due to the public/private land configuration of the overall ISEC West Project, the BLM, Department of Energy (DOE), and County of Imperial, California prepared and have published a joint Final Environmental Impact Report/Environmental Assessment (EIR/EA) to meet the requirements of the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA), respectively, for the ISEC West Project. The County of Imperial is the lead agency for CEQA purposes, and the BLM is the lead agency for NEPA purposes.

### ***Bureau of Land Management Purpose and Need for the Proposed Action***

In accordance with the Federal Land Policy and Management Act (FLPMA) (43 United States Code [USC] Section 1701 *et seq.* Section 103(c)), public lands are to be managed for multiple uses in a manner that takes into account the long-term needs of future generations for renewable and non-renewable resources. The Secretary of the Interior is authorized to grant ROWs on public lands for systems of generation, transmission, and distribution of electric energy (FLPMA Section 501(a)(4)). Taking into account BLM's multiple use mandate, the purpose and need for the ISEC West Project is to respond to the FLPMA ROW application submitted by CSOLAR to construct, operate, maintain, and decommission the proposed electric transmission line, and associated road and other infrastructure,

across public lands managed by the BLM from the ISEC West generating facility to the Imperial Valley Substation in compliance with FLPMA, BLM ROW regulations, and other applicable Federal laws and policies. The ISEC West Project would, if approved, assist the BLM in addressing the management objectives in the following statutes, policies, and directives:

1. Executive Order 12312, dated May 18, 2001, which mandates that Federal agencies act expediently and in a manner consistent with applicable laws to increase the "...production and transmission of energy in a safe and environmentally sound manner."
2. The Energy Policy Act 2005 (EPAct), which sets forth the "sense of Congress" that the Secretary of the Interior should seek to have approved non-hydropower renewable energy projects on public lands with a total generation capacity of at least 10,000 megawatts (MW) by 2015.
3. Secretarial Order 3285A1, dated March 11, 2009 and amended on February 22, 2010, which "...establishes the development of renewable energy as a priority for the Department of the Interior."

## **2.0 Description of Project**

### **2.1 BLM's Selected Alternative**

Each project alternative analyzed in the EIR/EA for the ISEC West Project consists of three primary components: (i) an electric generating facility located on private lands, (ii) an electric transmission line and associated facilities located on a combination of privately owned lands and public lands managed by the BLM, and (iii) an access road located on public lands, to be used for construction, maintenance, and decommissioning of the electric transmission line. The electric transmission line corridor and access road located on BLM lands are the two project components that require the issuance of a ROW grant by the BLM. The EIR/EA analyzed the project applicant's proposed action, three alternatives that would also meet the purpose and need of BLM (for a total of four project alternatives), as well as a no action alternative. BLM is approving issuance of a ROW grant for the Alternative 1-Alternative Transmission Line Corridor (the "Selected Alternative" or "Alternative 1"). Those project components for the Selected Alternative, as presented in the EIR/EA, are described below and were fully analyzed in the EIR/EA. The solar generating facility and a portion of the transmission line and access road will be located on privately owned land and is not within the scope of the ROW grant being issued by the BLM. Leases and easements for the private land facilities have been secured. However, as explained in the Finding of No Significant Impact (FONSI), the EIR/EA considers the environmental impacts of the entire energy generation project, including the non-Federal action components located on private lands, because the non-Federal Actions are connected to the requested ROW grant for the transmission line and access road in that those non-Federal Actions cannot or will not proceed without the BLM ROW grant. Per the BLM NEPA Handbook, the effects of the non-Federal portions of the ISEC West Project are properly considered indirect effects of the BLM action (40 CFR 1508.7, 40 C.F.R. 1508.25(c); BLM NEPA Handbook [January 2008] at pp. 46-48.)

## **3.0 Decision**

Under Federal law, the BLM is responsible for approving ROW grant applications to determine whether and to what extent to authorize proposed projects such as renewable energy projects, transmission lines, and other appurtenant facilities on land it manages. Because the ISEC West Project

is a privately initiated venture that has ancillary facilities sited on lands managed by the BLM, CSOLAR applied for a ROW grant from the BLM pursuant to Federal law and regulations as described earlier. Based on the information in the Final EIR/EA, the FONSI, the Project record, and consultation with BLM staff, I have decided to approve the Selected Alternative as described and analyzed in the EIR/EA, which includes a ROW grant covering the southeastern boundary of the ISEC West Project generation facility to the Imperial Valley Substation to accommodate the transmission interconnection line, temporary construction areas, and construction of the access road. The total approved ROW for the selected project is approximately 66.60 acres.

As explained in the FONSI, the impacts of the Selected Action have been analyzed in the EIR/EA and determined not to result in significant impacts to the quality of the human environment, individually or cumulatively with other actions in the general area under NEPA. This decision is conditioned on the implementation of all mitigation measures identified in the Plan of Development submitted to the BLM, and incorporated as terms and conditions of the ROW grant. BLM and Imperial County measures and analyses of their impacts can also be found in sections 4.4.3, Air Quality; 4.5.3, Greenhouse Gas Emissions; 4.6.3, Geology/Soils and Mineral Resources; 4.7.4, Cultural Resources; 4.9.3, Agricultural Resources; 4.10.3, Health, Safety and Hazardous Materials/Fire and Fuels Management; 4.11.3, Hydrology and Water Quality; 4.12.3, Biological Resources; and 4.13.3, Paleontological Resources of the Final EIR/EA. Failure of the applicant to adhere to these mitigation measures or other terms and conditions in the ROW grant could result in administrative actions up to and including termination of the ROW grant and a requirement to relocate or remove the facilities and rehabilitate disturbances. These measures, terms and conditions are determined to be in the public interest pursuant to 43 CFR 2805.10(a)(1). All practicable means to avoid or minimize environmental harm have been adopted under this decision.

#### **4.0 Alternatives Considered but not Selected**

In addition to the Selected Alternative, the EIR/EA evaluated the Proposed Action, two additional action alternatives – Alternative 2-Alternative Transmission Line Corridor and Alternative 3-Reduced Solar Energy Facility Site – and Alternative 4, the No Action/No Project Alternative. Those alternatives are described briefly below.

##### **Proposed Action**

The Proposed Action has the same generating facility as the Selected Alternative but varies slightly with respect to the alignment of the electric transmission line. Under the Proposed Action, the electric transmission line would be similar to the Selected Alternative for a majority of its route, but it would be routed through two private parcels as opposed to one. Compared to the Selected Alternative, the Proposed Action would have 1 additional transmission line support structure than the Selected Alternative, resulting in 0.1 acres less ground disturbance on public lands. The Proposed Action would permanently impact the approximate same amount of acres (6.8 acres) as the Selected Alternative.

##### **Alternative 2-Alternative Transmission Line Corridor**

Alternative 2-Alternative Transmission Line Corridor would have the same generating capacity as the Selected Alternative, but the alignment of the electric transmission line is different. Under Alternative 2, the electric transmission line would be located further west compared to the electric transmission line proposed under the Selected Alternative. Compared to the Selected Alternative, Alternative 2



would permanently impact 1.6 acres more than the Selected Alternative and would temporarily impact 2.5 acres less than the Selected Alternative.

### **Alternative 3-Reduced Solar Energy Facility Site**

Alternative 3-Reduced Solar Energy Facility Site would reduce the size of the generating facility site from 1,130 to 1,123 acres, resulting in an approximate three percent reduction in electric generation output compared to the Selected Alternative. The primary intent of Alternative 3 was to reduce direct impacts to cultural resources. At the time the Draft EIR/EA was prepared and circulated for public review, a conservative evaluation of the project's potential impacts to cultural resources indicated that the project could impact three sensitive cultural resources located within the generating facility site as compared to the Proposed Action. After further evaluation of these sites, the BLM determined that they were ineligible for listing on the National Register of Historic Places (NRHP) because those sites lacked integrity due to all of the farming and plowing that has occurred on the project site over the previous 30-40 years. As result, those sites were determined to not be significant cultural resources, and therefore implementation of Alternative 3 would not actually reduce or avoid potential impacts to significant cultural resources. Alternative 3 includes the same electric transmission line corridor alignment as the Proposed Action, and therefore, would result in similar impacts to BLM lands as the Proposed Action.

### **Alternative 4-No Action/No Project Alternative**

The No Action/No Project Alternative assumes that the proposed generating facility, associated electric transmission line, and access road would not be constructed. Under NEPA, this alternative does not require any federal approvals or action, as the BLM would not approve the ROW grant for the construction and operation of the electric transmission line and access road. This alternative was not selected because it would result in no project, and therefore, would not allow the development of renewable energy consistent with the policies and priorities identified above.

## **5.0 Decision Rationale**

This decision approves a ROW for the ISEC West project under the Selected Alternative as analyzed in the Final EIR/EA. The Selected Alternative addresses the BLM's purpose and need to respond to a FLPMA right-of-way application submitted by CSOLAR to construct, operate, maintain, and decommission the proposed electric transmission lines and associated infrastructure on public lands managed by the BLM from the ISEC West solar energy facility to the Imperial Valley Substation in compliance with FLPMA, BLM ROW regulations, and other applicable federal laws and policies. The BLM's decision to approve the Selected Alternative is based on the following considerations:

1. The fact that the generating facility is located on previously disturbed agricultural lands, and that the transmission interconnection line and other ancillary facilities are located in an existing Utility Corridor across BLM managed lands;
2. The requirement in both Imperial County's Conditional Use Permit and the private land easements that after decommissioning the generating facility and other project facilities, the site will be restored so that it is available for agricultural use upon the conclusion of the project;
3. BLM's determination that the generating facility, transmission line, and other ancillary facilities would have no adverse effect on cultural resources (see below);

4. The Selected Alternative will have one fewer transmission tower on BLM lands than the Proposed Action, resulting in 0.1 acres less ground disturbance on public lands, limiting impacts to Flat-tailed horned lizard (FTHL) habitat and other wildlife species and habitat; and
5. Implementation of the mitigation measures identified and analyzed in the Final EIR/EA and incorporated as terms and conditions of the ROW grant will assure that potential impacts are less than significant under NEPA.

## **6.0 Consultation and Coordination**

### **6.1 *United States Fish and Wildlife Service***

The BLM has, consistent with Section 7 of the Endangered Species Act (ESA), engaged in consultation with the US Fish and Wildlife Service (USFWS) related to the federally-listed threatened and endangered species potentially impacted by the ISEC West Project, including the Yuma clapper rail, Peninsular bighorn sheep, southwestern willow flycatcher, FTHL and mountain plover (the last two had only been proposed for listing at the time consultation was initiated). The USFWS issued a letter dated April 18, 2011 concurring with BLM's determination of not likely to adversely affect the Yuma clapper rail, Peninsular bighorn sheep, and southwestern willow flycatcher. The USFWS notified the BLM that Section 7 consultations for the FTHL and the mountain plover were no longer required for the ISEC West project on March 15, 2011 and May 12, 2011, respectively.

### **6.2 *Native American Consultation/Coordination and Section 106 Consultation/Coordination***

The BLM initiated tribal consultation for the project by letter on June 24, 2010, to identify properties of religious and cultural significance to the Tribes. The following Tribes or tribal organizations were invited to be consulting parties:

- Barona Band of Mission Indians
- Campo Kumeyaay Nation
- Cocopah Indian Tribe
- Ewiiapaayp Band of Kumeyaay Indians
- Fort Yuma Indian Reservation
- Jamul Indian Village
- Kwaaymii Laguna Band of Indians
- La Posta Band of Kumeyaay Indians
- Manzanita Band of Kumeyaay Indians
- Mesa Grande Band of Mission Indians
- San Pasqual Band of Diegueno Indians
- Santa Ysabel Band of Diegueno Indians
- Sycuan Band of Kumeyaay Nation
- Torres-Martinez Desert Cahuilla Indians
- Viejas Band of Kumeyaay Indians

The BLM received responses from the Fort Yuma Quechan Tribe, the Manzanita Tribe, the Kwaaymii Laguna Band of Indians, and Cocopah Indian Tribe indicating their interest in the project and their desire to continue consultation. Throughout the Section 106 and Tribal Coordination process, the BLM continued to provide updates on the status of the environmental review process and the Section 106 process, invited the tribes into government-to-government consultation, and requested their help in identifying any issues or concerns.

The cultural resource inventory reports were sent to all Tribes for their review and comment on November 1, 2010. The letter included with the reports also invited Tribes to a meeting and archaeological sites visits held in El Centro, California on November 16, 2010. The meeting presented information to the Tribes regarding the proposed project and provided an opportunity for Tribes to ask questions and express their concerns regarding the ISEC West Project. A letter dated December 14, 2010 informed Tribes of the release of the Draft EIR/EA, the comment period, and where they could comment.

The BLM, after consultation with the California State Historic Preservation Officer (SHPO), sent a letter to the SHPO, dated June 27, 2011, proposing a conditional finding of no adverse effect on cultural resources for the ISEC West Project. A copy of this letter was also shared with the consulting tribes. At the time of publication of the Final EIR/EA at the end of July 2011, tribal consultation and consultation with the SHPO was ongoing. However, neither the SHPO nor any of the consulting parties elected to comment on the BLM's conditional recommendation of no adverse effect. As result, formal consultation under Section 106 between the BLM and the SHPO for the ISEC West Project ended on August 8, 2011 as documented in a memo from the Renewable Energy Coordination Office archaeologist to the El Centro Field Manager, stating that no historic properties would be affected by the project (36 CFR 800.5(b), (c)).

## **7.0 Public Involvement**

The following scoping and public involvement process was used by the BLM and the County of Imperial for the preparation of the EIR/EA for the ISEC West Project.

### **7.1 Scoping**

The County of Imperial issued a Notice of Preparation (NOP) for the preparation of an EIR/EA for the project on June 11, 2010. The NOP was distributed to city, county, State and Federal agencies, other public agencies, and various interested private organizations and individuals. The NOP was also published in the Holtville Tribune on June 11, 2010. The purpose of the NOP was to identify public agency and public concerns regarding the potential impacts of the ISEC West Project, and the scope and content of environmental issues to be addressed in the EIR/EA. Comment letters in response to the NOP were received from the California Department of Conservation, California Department of Transportation, Imperial County Air Pollution Control District, California Department of Toxic Substances Control, Yuma Marine Corps Air Station, the Imperial Irrigation District, Colorado River Board of California, and Californians for Alternatives to Toxics. The circulation of the NOP ended on July 13, 2010. Written comments received during the public review period for the NOP are included in Appendix A of the Final EIR/EA.

A public scoping meeting was held for the Project to solicit input on the scope and content of the EIR/EA. This meeting involved both representatives of the County of Imperial as the CEQA Lead Agency, and the BLM as the NEPA Lead Agency.

## **7.2 *Draft EIR/EA Public Comment Period***

In consideration of the information generated during the scoping process, the County of Imperial and BLM prepared a joint Draft EIR/EA for the project. The Draft EIR/EA was submitted to the Governor's Office of Planning and Research (OPR), State Clearinghouse, and circulated for a 50-day public review period from November 22, 2010 to January 10, 2011. Twelve agencies, organizations, and persons provided written comments on the Draft EIR/EA during that public review period. A copy of each comment letter along with corresponding responses is included in a "side-by-side" format in the Response to Comments which is provided as an Appendix to the Final EIR/EA.

## **8.0 Plan Consistency**

The Selected Alternative has been reviewed and found to be in conformance with the following BLM Land Use Plans:

### **California Desert Conservation Area (CDCA) Plan of 1980, as amended**

The proposed transmission line corridor and access road for the ISEC West project are entirely within the CDCA-designated Utility Corridor "N." This area is designated as Multiple-Use Class L-Limited Use. As shown in Table 1 in the CDCA Plan, Multiple-Use Class Guidelines, within the Limited Use area, "New gas, electric, and water transmission facilities and cables for interstate communication may be allowed only within designated corridors" (see Energy Production and Utility Corridors Element). Furthermore, regarding motorized-vehicle access/transportation, Table 1 in the CDCA Plan indicates, "New roads and ways may be developed under right-of-way grants or pursuant to regulations or approved plans of operation." The proposed electric transmission line and access road within BLM lands would be considered an allowed use under the CDCA Plan because they would be within a designated utility corridor (Utility Corridor "N"), and therefore the construction and operation of the proposed transmission line and access road are consistent with the requirements of the CDCA Plan.

### **Yuha Basin Area of Critical Environmental Concern (ACEC)**

In addition to being within Utility Corridor "N", the transmission line corridor and access road components of the Selected Alternative are entirely within the Yuha Basin ACEC of the CDCA Plan. The Yuha Basin ACEC Management Plan allows for the "...traversing of the ACEC by proposed transmission lines and associated facilities if environmental analysis demonstrates that it is environmentally sound to do so." The analysis in the EIR/EA regarding the Selected Alternative satisfies this requirement.

### **FTHL Rangewide Management Strategy (RMS)**

The transmission line corridor and access road components are also within the Yuha Basin Management Area (MA) for the FTHL. The FTHL RMS discourages surface-disturbing projects within the FTHL MAs; however, the RMS allows cumulative disturbance of up to 1 percent of the total land area in the MAs. For projects proposed within an MA, the RMS encourages siting in previously disturbed areas or in an area where habitat quality is poor. Surface-disturbing activities should be minimized through planning and implementation of appropriate conservation measures and specific measures developed to avoid and minimize direct and indirect impacts to FTHL must be implemented.



Even after the implementation of the Selected Alternative, cumulative surface disturbances within the Yuha Desert MA would be less than 1 percent. Additionally, as discussed in EIR/EA Section 4.12 Biological Resources and as incorporated into the ROW grant, the surface disturbing activities associated with the Selected Alternative are subject to mitigation measures and design features intended to minimize direct or indirect impacts to FTHL. Thus, the Selected Alternative is consistent with the Yuha Desert Basin ACEC Management Plan and FTHL RMS.

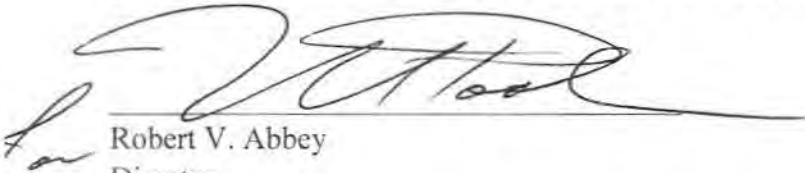
Based on information in the EIR/EA, the FONSI, the Project record, and recommendations from BLM specialists, I conclude that this decision is consistent with the CDCA Plan, Yuha Basin ACEC Management Plan, FTHL RMS, Federal ESA, Native American Religious Freedom Act, other cultural resource management laws and regulations, Executive Order 12898 regarding Environmental Justice, and Executive Order 13212 regarding potential adverse impacts of energy development, production, supply and/or distribution.



## 9.0 Final Agency Action

### 9.1 Right-of-Way Authorization

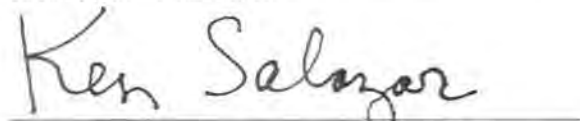
Based on the foregoing, it is my decision to approve a ROW grant to CSOLAR for the transmission line, access road and temporary construction areas for the Selected Alternative as described above, subject to the terms and conditions described therein, the Plan of Development, and all environmental mitigation measures developed by the Department of the Interior and referenced in this Decision Record. This decision is effective on the date this Decision Record is signed.

  
Robert V. Abbey  
Director  
Bureau of Land Management

  
Date

### 9.2 Secretarial Approval

I hereby approve this decision. My approval of this decision constitutes the final decision of the Department of the Interior and, in accordance with the regulations at 43 CFR 4.410(a)(3), is not subject to appeal under Departmental regulations at 43 CFR Part 4. Any challenge to this decision, including the BLM Authorized Officer's issuance of the ROW as approved by this decision, must be brought in federal district court.

  
Ken Salazar  
Secretary  
Department of the Interior

**AUG 23 2011**  
Date